

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

- VS -

MEDICAL MARIJUANA, INC., DIXIE ELIXIRS
AND EDIBLES, RED DICE HOLDINGS, LLC,
and DIXIE BOTANICALS,

Defendants.

ECF CASE

NOTICE OF MOTION

Case No. 15-cv-701-FPG/MJR

MOTION MADE BY	:	Defendants, MEDICAL MARIJUANA, INC., and RED DICE HOLDINGS, LLC, by and through their attorneys, Mura & Storm, PLLC, 930 Rand Building, 14 Lafayette Square, Buffalo, New York 14203.
DATE, TIME AND PLACE OF HEARING	:	Date and time of hearing to be determined by the Hon. Frank P. Geraci, with place of hearing to be United States District Court, Western District of New York, 100 State Street, Rochester, New York 14614.
SUPPORTING PAPERS	:	This notice of motion; Declaration of Roy A. Mura, Esq. dated July 17, 2019, Declaration of Stuart W. Titus dated July 12, 2019, and movants' Memorandum of Law dated July 17, 2019.
RELIEF DEMANDED AND GROUNDS THEREFORE	:	An order of this Court pursuant to FRCP 54(b) for reconsideration of the Court's denial of the Defendants' motion for summary judgment, as relates to the Plaintiffs' RICO claim, on the basis that it was a genuine error for the Court to find that Dixie X contained "resin extract derived from the <i>Cannabis sativa</i> plant" and thus fell within the 2012 definition of "marijuana" under the Controlled Substance Act; and such other, further

and/or different relief favoring movants as is just and proper.

ANSWERING PAPERS : Pursuant to W.D.N.Y. L.R. 7(b)(2)(B), absent different deadlines set by the Court, plaintiff shall have fourteen (14) days from the date of this notice to file and serve responding papers to this motion. Movants intend to file and serve reply papers in further support of this motion, and absent deadlines set by the Court, movants shall have seven (7) days after service of plaintiffs' responding papers to file and serve reply papers in further support of this motion.

ORAL ARGUMENT : Requested, but to be determined and scheduled by the Court.

Dated: Buffalo, New York
July 17, 2019

/s/ Roy A. Mura
Roy A. Mura, Esq.

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